IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 239 of 1996
To
FIRST APPEAL No. 242 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CAMBAY MUNICIPALITY & 4 - Appellant(s)
Versus
SPECIAL LAND ACQUISITION OFFICER & 2 - Defendant(s)

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Appearance :
MR RJ OZA for Appellant(s) : 1,
MR UR BHATT, AGP for Defendant(s) : 1,
MR BP MUNSHI for Defendant(s) : 2, 2.2.1, 2.2.2,2.2.3

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 22/02/2007

ORAL COMMON JUDGMENT :

This group of four appeals arises from the common judgment and

award made by 3rd Extra Assistant Judge, Kheda at Nadiad in Land Acquisition Cases No. 72/1983 and its allied reference cases dated 28/10/1991. Hence, they are heard together and they are now being disposed of by this common judgment. These appeals are filed under section 54 of the Land Acquisition Act [hereinafter referred to as 'the Act'] by the Cambay Municipality. Original applicants of Reference Cases No. 72/1983, 73/1983 and 75/1983 have been awarded additional compensation at the rate of Rs.4-40 paise per sq. mtr., and the applicant of Reference Case No. 74/1983 has been awarded additional compensation at the rate of Rs.2-65 paise per sq. mtr., together with all the statutory benefits and the interest. The compensation has been awarded for the acquisition of their lands situated in Cambay for the purpose of widening the road.

2. I have perused the record of this appeal and I have also heard Mr. RJ Oza, learned advocate for the appellants, Mr. UR Bhatt, Ld. AGP for the respondent no. 1 and Mr. BP Munshi, learned advocate for respondents no. 2, 2/1 to 2/3. Considering the fact that in these appeals the claim for Court fees is Rs.16,555/-, Rs.5,150-50, Rs.4,209/- and Rs.13,521-13 paise respectively, this appeals can be disposed of on the ground of smallness of the amount. By now, it is well settled proposition of law laid down by this Court that in the cases involving petty claims, the appeals can be disposed of without entering into the merits of the case. The Division Bench of this Court in decision rendered in the case of Deputy Collector v/s. Bhikha Gokal in First Appeal No. 6765 of 1999

dated 29th March, 2000, has observed as under :

> "It is the consistent practice which is followed by various Division Bench of this Court that wherein claim involved in the Land Reference Cases is less than Rs.35,000/-, appeal should be dismissed on the ground that it involves petty claim. Claimants have lost their only source of livelihood i.e., their agricultural lands which were compulsorily acquired for the public purpose of Uben Irrigation Scheme. If these appeals are admitted and kept for final hearing, it would cause great hardship and financial loss to the claimants because they will have to incur expenses of engaging advocate and other miscellaneous expenses. Therefore, these appeals require to be dismissed on the ground of petty claim alone. We, however, make it clear that we have not gone into the merits or de-merits of the References filed by the claimants and this judgment will not be cited as a precedent for the similar appeals filed for the determination of the market value of the acquired lands arising from the very acquisition of Uben Irrigation Scheme."

3. In view of the same, the claim in these appeals can be safely placed in the category of *'petty* claim'. Therefore, without entering into the merits of the case, the appeals are required to be dismissed and they are hereby dismissed.

[Akshay H Mehta, J.]

* Pansala.